IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 15421 of 2005

Between:

1 P. Lakshminarayana, S/o. Krishnaiah,
27-1-1062, Old Goud Hostel, Opp. Geetanjali English Medium School,
Balaji Nagar.
2 P. Subhashini, W/o. Lakshminarayana,
Geetanjali English Medium School, Balaji Nagar, Nellore-524002.

..... PETITIONERS

AND

1 The State of A.P., rep. by the State Electioner Commissioner, Hyderabad.
2 Electoral Registration Officer, Nellore Municipality, Nellore.
3 The District Electoral Authority, rep. by the District Collector, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or orders direction more particular one in the nature of writ of mandamus by way of a writ declaring the action of the 2nd respondent the Electoral Registration officer of Nellore Municipality in striking down the petitioners names from the revised/amended voters list of the year 2005 of Nellore Assembly Constituency as illegal, null & void and against the principles of Natural justice and consequentially direct the respondent No.2 and respondent No.3 to include the names of the Petitioners in the electoral list of the year 2005 of Nellore Municipality falling under Nellore Assembly constituency.

Counsel for the Petitioner: MR.R.RAVI KUMAR

Counsel for the Respondents: MR.S.NAGESWARA REDDY

The Court at the admission stage made the following :

O R D E R:

The petitioners seek a Mandamus declaring the action of the second respondent in striking down the names of the petitioners from the revised/amended voters list of the year 2005 of Nellore Assembly Constituency published on 03-01-2005 as illegal and arbitrary, and consequently to direct the respondents 2 and 3 to include the names of the petitioners in the said list.

The case of the petitioners is that they have been residing in Nellore town for the last more than a decade and have shifted their residence from Nawabpet to Balaji Nagar, which is within the Nellore Municipal Limits. It is stated that in the Registered Voters List of 2003 for Nellore Assembly Constituency, Nawabpet, their names are shown. It is also stated that on 15-12-1995, the Election Commission of India has issued Identity cards in their favour. While so, on 03-01-2005, the respondents issued a revised/amended voters list of 2005 for Nellore Assembly Constituency, wherein the names of the petitioners were struck down. Then, the petitioners approached the second respondent and submitted a representation, dated 15-03-2005. However, the second respondent has failed to take any action so far.

Hence, the petitioners are constrained to approach this Court.

Having heard the learned counsel on either side and perused the material available on record and in view of the facts and circumstances of the case, especially in view of the fact that the representation, dated 15-03-2005, submitted by the petitioners is pending before the second respondent, without going into the merits of the case, I deem it appropriate to direct the second respondent to dispose of the said representation.

The writ petition is accordingly disposed of directing the second respondent to consider the representation, dated 15-03-2005, submitted by the petitioners and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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(ELIPE DHARMA RAO, J)

Date:18-07-2005

Note:

Issue CC by tomorrow.

B/o

ghn

To

1 The State Electioner Commissioner, State of A.P., Hyderabad.
2 Electoral Registration Officer, Nellore Municipality, Nellore.
3 The District Electoral Authority, rep. by the District Collector, Nellore.

4 Two C.D copies.